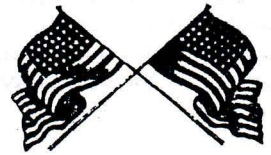


NEW JERSEY MILITIA NEWSLETTER



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A monthly newsletter

February, 1996

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

—Article I, Section 1, New Jersey State Constitution

A REVOLUTION WITHIN

"A Revolution Within" is the title of an article that appeared in the *Asbury Park Press*, January 14, 1996, written by staff writer, Jason Method. His article covered NJM and other Patriot groups in New Jersey.

Anyone involved in the Patriot Movement knows how difficult it is to receive fair and accurate treatment from the press. This is not a critique against Mr. Method, per se, but against the press in general. The same Bill of Rights that protects militias and firearms ownership from government intrusion, also protects Freedom of the Press from government intrusion. Somewhere in time firearms ownership has become viewed as "conservative", and militias as "life on the fringe", as Mr. Method described it in his article.

Members of the press, who exercise their First Amendment Right, are abusing that Right when they use it to attack Americans who exercise their Second Amendment Right, or any other Right for that matter. This is a classic example of "a house divided against itself".

What makes matters worse is the fact that the press can't cite *any* criminal act that can be attributed to the militias. How many militias or militia members are currently on trial for some violent act anywhere in the U.S? Answer: None. Therefore, the press can only criticize the *movement*, but not its *members*. They are, literally, attacking the Second Amendment itself. If the Second Amendment can be eroded through government intrusion, what's to prevent the First Amendment from the same fate?

The *NJM Newsletter*, along with several hundred other newsletters from various groups around the country, are doing what the press should be doing, namely; telling people what the government is up to. Rush Limbaugh earns

millions of dollars a year just for telling people what they don't hear from the press. Rumor has it that Limbaugh makes more money than Rather, Brokaw and Jennings *combined*—for doing *their* job! His success is a testimony to their failure. The success of conservative talk radio is another testimony to the failure of the press. The question is: why is it taking the press so long to figure this out? The fact is, *they just don't get it*.

The press today has become nothing more than proverbial cheer leaders (dare I say whores?) for liberal political ideology. This is why it is impossible to find any favorable (or factual) articles written about militias or the patriot movement. This is a total abuse of the First Amendment. When those of us in the militia movement print newsletters, trying to do what the press should be doing, we're called "radicals", "fringe groups", "right wing nutty types", "Christian extremists", etc.

Here is a classic example of how **ALL** newspapers in N.J. failed miserably in their First Amendment duty to keep their fellow citizens informed of government abuses: When Trenton passed SCS-1700, the "Enhanced Emission Inspection" bill that will affected tens of thousands of N.J. car owners, not a single N.J. newspaper reported the new law and the effect it would have on car owners. **One** N.J. Patriot printed a **one** page flyer about SCS-1700 and faxed and mailed it all over the state. Year One Restoration, an automobile club, alone reprinted 350,000 copies of the fliers. After a few hundred thousand N.J. citizens learned about the new emission laws, from that one page flyer, a fire-storm of protest erupted...THEN...and only THEN, did major newspapers in N.J. start reporting about SCS-1700. Jason Method mentioned this fact in his article: "*The flier drew the attention of newspapers throughout the state, and Division of Motor Vehicles officials went on*

radio to debunk the flier's claim". (Before believing the "debunking process", call Legislative Services at 800-792-8630 and order a copy of SCS-1700 and read it for yourself.)

One man, with **one** fax machine and **one** sheet of paper, informed **more** N.J. citizens about a bad law coming out of Trenton than **all** the newspapers in N.J. combined! What a sad testimony this is to the failure of the Establishment press.

Where was the *Asbury Park Press* during this time? We don't know. We do know where NJM was...we were printing of copies of the flyer and passing them out all over the state.

"TYRANNY REPORT"

Dr. Julian Whitaker, editor of **Health & Healing, Tomorrow's Medicine Today**, has added a new section to his newsletter entitled: "*Tyranny Report*".

The government, not happy with legitimate drug busts, has now focused on various vitamins and other health supplements. Dr. Whitaker told a story of Paul Gallo, a 75 year old retired school teacher living in Oradell, N.J. who ordered dehydroepiandrosterone (DHEA), a perfectly legal substance, from Europe.

When Mr. Gallo's shipment arrived at the post office, investigator Paul Caviocchia and others from the DEA's Narcotics Task Force set up a "*sting operation*" to nab 75-year-old Gallo.

Mr. Gallo and the man who drove him there were handcuffed, searched, arrested, fingerprinted, mug shot taken, etc.

When it was later learned the DHEA is not a "controlled substance", and there are no laws against it, prosecuting attorney Fred Schwanwede dropped all charges...only after Mr. Gallo promised not to sue. Then, and only

then, would Mr. Gallo's arrest record be expunged. This is a classic example of how patriots are born. Once Mr. Average Citizen feels the heavy hand of government acting in an illegal, unconstitutional manner in their lives, they wake-up and start getting involved.

Government abuse is the greatest catalyst the militia and patriot movement has going for it. The militia will *never* chase people to the government...the government will *always* chase them to us.

JUST A REMINDER

You do not have to be a member of NJM to get an article in The New Jersey Militia Newsletter. Anyone can submit articles, letters to the editor, etc., for publication. We'll even print letters that critique our group, (with appropriate comment from us of course). If you would like to inform fellow citizens in N.J. of what's going on in your area, by all means, send us your article.

WANTED

The New Jersey Militia is looking for a Chaplain. If you are an ordained Minister and believe that the Constitution is a covenant between the government and the governed, and should be honored as such, we would like for you to join us.

It should be noted that many Ministers were militia leaders during the Revolutionary War. The British called them "The Black Robed Regiment".

If interested, contact us at our P.O. Box or call us at 609-695-2733. Ask for Bob.

EDITOR'S NOTE

In our January issue we ran two letters from representatives of law enforcement. One was from Union County First Assistant Prosecutor Michael J. Lapolla, the other from Hillside Chief of Police, Frank DeSanto. Both individuals express, in varying degrees, opposition to the concept of the militia and gun ownership. We allowed them to express their point of view in our newsletter, as we would any other member of law enforcement who cares to write.

In order to show the contrast between attitudes expressed by government and members of law enforcement today towards gun owners and militias, here are a few quotes from some of the Founding Fathers on the subject:

GEORGE WASHINGTON SAID...

(...in his address to the second session of the First U.S. Congress regarding firearms ownership:)

"Firearms stand next in importance to the Constitution itself. They are the American people's liberty, teeth and keystone under independence. The church, the plow, the prairie wagon and the citizen's firearms are indelibly related. From the hour the pilgrims landed to the present day, events, occurrences and tendencies prove that, to ensure peace, security and happiness, the rifle and pistol are equally indispensable. Every corner of this land knows firearms, and more than 99.99/100 percent of them by their silence indicate that they are in safe and sane hands. The very atmosphere of firearms anywhere and everywhere restrains evil influence. They deserve a place of honor with all that's good. When firearms go, all goes. We need them every hour."

THOMAS JEFFERSON SAID...

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

JOHN ADAMS SAID...

"Arms in the hands of the citizens may be used at individual discretion for the defense of the country, the overthrow of government or private self defense."

RICHARD HENRY LEE SAID...

"Militias, when properly formed, are in fact the people themselves and include all men capable of bearing arms. To preserve liberty it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them."

THOMAS JEFFERSON SAID...

(to his 15 year-old nephew) *"A strong body makes the mind strong. As to the species of exercise, I advise the gun. While this gives moderate exercise to the body, it gives boldness, enterprise and independence to the mind. Games played with the ball and others of that nature are too violent for the body and stamp no character on the mind. Let your gun therefore be the constant companion of your walks."*

STOLEN VOTES

"Cicero was a great intellect and orator in the days when the Roman Empire was seriously ill. He diagnosed the sickness and

recognized it to be terminal. He understood government is like a drug. If you become dependent on government, you will demand more and more to satisfy the addiction. The addict will rob, steal, cheat or murder and forget about tomorrow to maintain his habit.

"The people of this Nation have become dependent on government and they are voting themselves benefits to satisfy their addiction. The voters are going to the polls and selling the future of their children. Our polling places have become the greatest slave market in history. The American voter has been stealing from their own posterity to satisfy their addiction to government. We loathe the drug addict who becomes a mugger and thief to support his habit, but the American voter is no better. That is a very harsh assessment, but just remember the death of a great Nation is a terrible thing and this is a diagnosis of the sickness before the demise of our great Nation."

---Permission to re-print granted by M.J. "Red" Beckman, from his book *Do Unto the IRS as They Would Do Unto You*. (Thanks, Red.)

SHOOTING FOR SIX MILLION (PLUS)

On 1/11/96, HBO featured a documentary on the subject of U.S. prisons. It was predicted that at the present rate of incarceration the prison population of the United States, in the year 2015, will reach 6 million inmates. That number exceeds the total population of many small countries around the world.

One Warden openly admitted that prisons were becoming "big business", by creating jobs in the communities where they're being built.

This is, of course, no secret. Before coming to New York, WABC radio talk show host, Lionel, was an assistant prosecutor in the state of Florida. He told the story about his boss telling him to "pray that the government never legalizes drugs, because if they do, we're out of a job."

ARE YOU REALLY FREE?

Do you really think you are Free today?

When over 40% of your hard-earned money (?) is stolen by fraud, via income taxes to support a central government bureaucracy gone mad?

When you can't drive on "free"-ways or public streets without a driver's license and vehicle registration, or be thrown in jail?

Governments never do anything by accident; if government does something you can bet it was planned.

--- Franklin D. Roosevelt

When you must pay "ransom" to the insurance company monopoly before you can drive your own vehicle on public streets or highways?

When you must send your children to a government licensed school or the State will confiscate your property, kidnap your kids or put you in jail?

When the State-approved "tax exempt" church, teaches only the one-world religion of obedience to man's government?

When the nation's police are more of a threat to life, liberty and property, than the so-called "common" criminals?

When you must ask the State for permission to marry?

When you cannot practice "free"-enterprise without being regulated, licensed and taxed by the government?

When you will be jailed for contempt for exercising "Constitutional" rights without some judge's permission?

When the State tells you when, where and how to build on your own property and even denies you the right to modify unless you ask their permission first?

When America has more "political" prisoners under lock and key than any other nation in the world and is busy building "concentration camps" to house even more?

When the government knows every financial transaction you make and your private banking records are made available to their prying eyes without your knowledge or consent?

When your President is more concerned about a One World Order than the Sovereignty of the Country he has sworn to protect?

When government and the people have no common interest whatsoever and must live together in a state of perpetual hostility?

When everything you and your children will ever own is mortgaged to the world's bankers and collectable on demand?

NO! dear fellow American, if you think that America is the land of the free you are living in a dream world. Study and support your local Patriot group. Their goal is to re-establish freedom in America.

(From The Other Side, P.O. Box 632, Big Bar, CA. 96010.)

A Reply to a Prosecutor

Editor: On Dec. 4, 1995, NJM distributed fliers to police departments in Union County and asked police officers not to enforce the assault rifle ban. The following letter was mailed on January 19, to all police departments along with Mr. Lapolla's letter of December 11, which criticized our actions. His letter was printed in our Jan. issue.

Acting first assistant Union county prosecutor Lapolla confirms our fears that he, like his late boss, the prosecutor, intends to

willfully violate his oath of office and enforce the assault rifle ban. Is it because prosecutors and their assistants are appointees unaccountable to the people, unlike the sheriff who is elected and whose role as chief peace officer of the county they have usurped? Or do they truly believe that their blatant violation of the U.S. and N.J. Constitutions is the right thing to do? Neither explanation bodes well for lawful government.

Mr. Lapolla takes us to task for protesting his boss' plea for "aggressive enforcement" of the gun ban, which he called for publicly days before his death from cancer. No disrespect was intended, but officials who advocate lawlessness cannot go unchallenged. To remain silent would be an act of complicity. Had people spoken up when the Nazi Weapons Laws were enforced millions would be alive today.

He asserts that his boss served the state with distinction. With all due respect such service is not necessarily honorable. The U.S. general who put Japanese-Americans in concentration camps, Dzerzhinsky the founder of the Soviet secret police, Robespierre the lawyer who ruled during the Reign of Terror--all "served the state with distinction". But this is America. Here officials must serve us, We the People, within the bounds of our constitutions. One of the bounds beyond which officials cannot lawfully step is the Bill of Rights which guarantees that *"the right of the people to keep and bear arms shall not be infringed."* What is it about the word infringed that the Union county prosecutor's office does not understand?

He and his boss' concern about the alleged proliferation of assault rifles is totally unwarranted. According to the N.J. Attorney General assault rifles were involved in a quarter of one percent of the crimes committed in 1991. The assault rifle "crisis" was a political stunt engineered by the media, former Gov. Florio and his attorney general, who ordered all twenty-one county prosecutors to stand up at a press conference and swear that a ban was necessary. In a disgraceful day for law enforcement not one refused to lie.

Of course Mr. Lapolla does not dispute our conclusion that the ban is unlawful. It clearly violates the U.S. Constitution's Art. 1, Sec. 9, Clause 3 and Art. 1, Sec. 10, Clause 1; as well as the N.J. Constitution's Art. IV, Sec. VII, par. 3., which prohibits ex post facto (retroactive) laws. Furthermore it violates the 14th Amendment of the Constitution which applies the entire Bill of Rights to the states. Though our constitution does not explicitly mention the right to keep and bear arms we Jerseyans are guaranteed that right via the 14th Amendment. That being the case why does "law enforcement" insist on breaking the law?

Prosecutors and lawmen, do not enforce gun control statutes! Our forefathers devised a system of checks and balances so that power

would be diffused, the ultimate power to be retained by the people themselves in the form of firearms. They understood that whenever the people have been disarmed the result has been tyranny and death. In this century alone (through 1987) governments have killed nearly 170 million people not counting 34 million battle dead, according to the book *Death by Government* (\$29.95, 800-326-0996). Get a copy. Understand the framers' intent. You are to protect and defend the people, not disarm and oppress them. Honor your sworn oath, and never forget that the mass murders abroad and at Waco were not perpetrated by the military alone.

Firearms ID Blues

by John Paff

If you haven't received your N.J. Firearms ID card within 30 days of your application send the following letter to your chief of police, with a copy to your mayor, municipal council and local newspaper reporters:

Dear Chief,

The first sentence of NJS 2C:58-3(c) states that *"No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth."* Thus the statute establishes a presumption that an applicant is entitled to an ID card unless the chief of police can find a lawful reason for denial. (*Weston v. State* 60 NJ 36, 43 (1972).)

Additionally NJS 2C:58-3(f) goes on to state that *"unless good cause for the denial thereof appears, [the police chief] shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days of receipt of the application..."*

It is clear that you must either issue or deny me my ID card by the 30th day following my application. I submitted my application on [date] and you have not issued or denied it, even though more than 30 days have elapsed.

You probably claim that the 30 day requirement cannot be met because of the delays in obtaining fingerprint data from the FBI and SBI. Bureaucratic inefficiencies and red tape, however, do not relieve you of your duty to issue firearms ID cards within the time period mandated by statute.

In short, if you can find no basis for denying me an ID card by the 30th day there is nothing to overcome the statutory presumption that I am entitled to my ID card. Accordingly you must issue the card on or before the 30th day in order to avoid violating the statute.

If, after issuing me my card, you receive information from the FBI, SBI or some other source that a disability exists that prevents me from possessing it your remedy is to petition the Superior Court to revoke the ID card pursuant to NJS 2C:58:-3(f). If my application contains falsifications you can prosecute me under NJS 2C:39-10(c). Further, firearms acquired through lying on an application are prima facie contraband pursuant to NJS 2C:64-1(a) and are subject to seizure and forfeiture.

It is not for you to decide that you need more time to complete the investigation and issue the ID card. Law is the province of the legislature, and it has directed that ID cards be issued within 30 days of application.

If you don't like the law you may petition the legislature to amend it. In the meantime, however, I demand that you issue me my ID card at once.

Sincerely,

Your name

COURT CITES YOU NEED TO KNOW

Editor: court decisions vary from state to state. The following is provided for information only:

"One who interferes with another's liberty does so at his peril." University of Pennsylvania Law Review, vol. 75, p.491, April 1927.

"Anyone who assists or participates in an unlawful arrest or imprisonment is equally liable for the damage caused." Cook v. Hastings, 150 Mich. 289, 114 N.W. 71,72 (1907).

"...any seizure or arrest of a citizen is not reasonable, or 'due process', merely because a Legislature has attempted to authorize it. These phrases (due process provisions) are limitations upon the power of the Legislature as well as upon that of the other departments of the government, or their officers." Ex parte Rhodes, 202 Ala. 68, 79 So. 462, 464 (1918).

"The carrying of arms in a quiet, peaceable, and orderly manner, concealed on or about the person, is not a breach of the peace. Nor does such an act, of itself, tend to a breach of the peace." Wharton's Criminal and Procedure, 12th. Ed., vol. 2, "Breach of the Peace", 803, p. 660 (1957); Judy v. Lashley, 50 W. Va. 628, 41 S.E. 197, 200 (1902).

"As is the case of illegal arrest, the officer is bound to know these fundamental rights and privileges, and must keep within the law at his peril." Thiede v. Town of Scandia, 217 Minn. 218, 231, 14 N.W. 2d 400 (1944).

"Though the police are honest and their aims worthy, history shows they are not appropriate guardians of the privacy which the Fourth Amendment protects." Jones v. United States 362 U.S. 257, 273 (1959).

"A sheriff who acts without process, or under a process void on its face, in doing such act, he is be considered but a personal trespasser". Roberts v. Dean, 187 So. 571, 575 Fla. (1939).

"One may come to the aid of another being unlawfully arrested, just as he may where one is be assaulted, molested, raped or kidnapped. Thus it is not an offense to liberate one from the unlawful custody of an officer, even though he may have submitted to such custody without resistance". Adams v. State, 121 Ga. 163, 48 S.E. 910 (1904).

"An illegal arrest is an assault and battery. The person so attempted to be

restrained of his liberty has the same right, and only the same right, to use force in defending himself as he would have in repelling any other assault and battery." State v. Robinson 145 Me. 77, 72 Atl. 2d 260, 262 (1950).

"The offense of resisting arrest, both at common law and under statute, presupposes a lawful arrest. It is axiomatic that every person has the right to resist an unlawful arrest. In such case the person attempting the arrest stands in the position of a wrongdoer and may be resisted by the use of force, as in self-defense." State v. Mobley 240 N.C. 476, 83 S.E. 2d 100,102 (1954). *"There is no justification for the taking of fingerprints, photographs and other measurements in advance of conviction."* McGovern v. Van Riper, 43 A 2d 514, 137 N.J. Eq. 24 (1945).

"It is better, so the Fourth Amendment teaches, that the guilty sometimes go free than that citizen's be subject to easy arrest." Henry v. United States, 361 U.S. 98, 104 (1959).

OUTLAW THE CLUNKER LAW

Calling all Car Clubs, Classic Car Enthusiasts and those who own any type of vehicle built before 1982 and all who are interested with classic vehicle restoration. The purpose of this meeting is to discuss and come up with a game plan to fight anti-car laws and proposed legislation. **Date:** Friday, February 23, 1996. **Time:** 6:00 PM. **Location:** Paramus Elks Club

For more information and directions, contact: **Butch DeZuzlo**, Dayton's Raiders Car Club, 319 Grand St. Paterson, N.J. 07505. Phone: (201) 881-8838. Fax (201) 279-3779.

"IN THE BEGINNING OF CHANGE, THE PATRIOT IS A SCARCE MAN; BRAVE, HATED AND SCORNE. WHEN HIS CAUSE SUCCEEDS, HOWEVER, THE TIMID JOIN HIM, FOR THEN IT COSTS NOTHING TO BE A PATRIOT."

--MARK TWAIN

The New Jersey Militia needs your support!! We plan to follow Thomas Jefferson's ideal to "educate and inform the whole mass of the people..."

We want to hear from you! Send your comments, suggestions, personal stories and donations to address below:

N J M

P.O. Box 10176

Trenton, NJ 08650

(609) 695-2733 (Ask for Bob)

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NEW JERSEY REPUBLICANS PASS WORST ANTI-GUN LAW EVER

By Evan F. Nappen, Esq.

On January 10, 1996, Governor Christine Whitman signed into law Assembly Bill No. 221 (Second Reprint) -- "Leader of Firearm Trafficking Network".

This law makes a crime involving the unlawful sale, transport or disposal of a firearm punishable by MANDATORY sentence of LIFE IMPRISONMENT with a minimum of 25 years before being eligible for parole and up to a \$500,000 fine. Without reading the law, some gun owners might think that this is a good law because as law-abiding gun owners, we oppose the unlawful activities with firearms. However, this particular law creates two very dangerous situations for law-abiding gun owners.

1) Never before in the history of U.S. gun control laws has a pure victimless anti-gun law (not involving the unlawful use of a firearm against another) been so harsh and extreme in its penalty. One can commit Second Degree Sexual Assault or Armed Robbery without receiving a mandatory life sentence with a minimum of 25 years before being eligible for parole. This new gun control law equals or exceeds the potential penalties of a non-capital (no death penalty) Murder charge.

2) The statutory requirements to be convicted of this new gun control law are as follows:

"A person is a leader of firearm trafficking network if he conspires with others as an organizer, supervisor, financier or manager, to engage for profit in a scheme or course of conduct to unlawfully manufacture, transport, ship, sell, or dispose of any firearm... As use in this section, "leader of a trafficking network" means a person who occupies a position of authority or control over other persons in a scheme or organization of illegal firearms manufacturing, transporting, shipping or selling and who exercises that authority or control over others involved in the scheme or organization."

It is well known that many gun owners trade and transfer firearms to one another without strict technical adherence to the statutory requirements. For example, if Joe Gun Owner tells his wife and son to sell his friend Harry his two shotguns for \$375, and Harry does not complete a Certificate of Eligibility, this would be an unlawful sale under N.J.S. 2C:58-3 and since Joe Gun Owner occupied a position of authority over the other persons (his wife and son), he is technically guilty of this offense and faces life imprisonment with a minimum of 25 years before being eligible for parole and a fine of up to \$500,000.

Additionally, there are a number of individuals in New Jersey who possess a Federal Firearms License but do not have a New Jersey State Firearms Retail Dealers License. Many of these individuals are simply gun collectors who acquire firearms for themselves and for trade or sale. The BATF and the New Jersey State Police have been jointly working on prosecuting these individuals. This new law adds a whole new dimension to this law enforcement action.

It should be noted that under the law, *"it shall not be necessary...for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances...It shall not be a defense to a prosecution under this section that the firearms were brought into or transported in this State solely for the ultimate distribution or dispensing in another jurisdiction; nor shall it be a defense that any profit was intended to be made in another jurisdiction"*.

The State does not have to prove that profit was actually made. Instead, based on the "circumstances", it can be inferred that profit was to be made. For example, many gun collectors have descriptive tags on their firearms which include the value of a firearm. This can easily be characterized by the authorities as price tags and part of the "circumstances."

Furthermore, it is no defense that the firearms were brought into New Jersey solely for distribution in another jurisdiction. In other words, if Joe Gun Owner who lives in New Jersey buys in Pennsylvania a Remington 552 .22 rifle or a Marlin Model 60 .22 rifle (which holds over 15 rounds of .22 and is an "assault firearm" in the State of New Jersey) and brings the rifle into New Jersey and intends to have his friend sell the rifle to another friend in Florida, Joe Gun Owner is not only guilty of possession of an "assault firearm" but can now face prosecution as a "leader of a firearms trafficking network."

However well intentioned A-221 was meant to be, because of its broad statutory language and mandatory penalties, this new law nonetheless places otherwise law-abiding gun owners in jeopardy of the most severe jail sentences ever imposed for violating a victimless gun control crime.